



Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

RECEIVED

MAY 20 2013

FLATHEAD COUNTY
PLANNING & ZONING OFFICE

CONDITIONAL USE PERMIT APPLICATION¹

*Submit this application, all required information, and appropriate fee (see current fee schedule)
to the Planning & Zoning office at the address listed above.*

FEE ATTACHED \$ 700.00

PROPOSED USE (as described in the Flathead County Zoning Regulations):

Tower

OWNER(S) OF RECORD:

Name: E.S. of Bigfork LLC Phone: 406-250-5261

Mailing Address: 157 Crestview Dr.

City, State, Zip Code: Bigfork, MT 59911

Email: flbcfmissoula@hotmail.com

**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL
CORRESPONDENCE IS TO BE SENT:**

Name: Mark T. Johnson, Architect Phone: 406-756-0354

Mailing Address: 680 Stone St

City, State, Zip Code: Kalispell, MT 59901

Email: markitect@bresnan.net

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street

Address: 116 Holt Drive S 36 T 27N R 20W

Subdivision

Name: North Shore Heights Tract No(s). A Lot No(s). 1,2,3 Block No.

1. **Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):**

CVR

2. **Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:**

¹ Revised: 06/11/12



A. Site Suitability.

The site is suitable for the use. This includes:

- (1) adequate usable space

The lot is approx. 1.8 Acres. The tower site will occupy approx. 100 SF. (see attached site plan) The proposed tower location is entirely on the subject property and does not limit the required parking or encroach on any required setback.

- (2) adequate access

The requested tower location is in the Southeast corner of the lot. This location provides adequate space for the construction and installation of the tower as well as operation and maintenance of the equipment. No adjoining property or right of way is encroached upon or therein required to complete this requested installation.

- (3) absence of environmental constraints

The proposed location is presently used as a parking lot and is being converted to landscape buffer. No surface or subsurface environmental conditions exist that present any hindrance to the proposed use.

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

(refer to site plan) The calculated required parking under the CVR zoning is 47 stalls. The project design calls for 62 Stalls. Acceptance of the proposed use will not reduce or limit access to any parking.

- (2) traffic circulation

(refer to site plan) The traffic circulation for the project is independent of the proposed tower. The project design converts an existing approach to the west to a service access for the project which reduces use of the existing easterly approach. Acceptance of the requested use will not affect traffic circulation.

- (3) open space

No open space is required under the CVR zoning and thus not affected by acceptance of the requested use.

- (4) fencing, screening

The requested use will be secured by self contained facilities making fencing unnecessary. No ground based facilities exist the would require screening.

- (5) landscaping

The overall project is approximately 40% natural vegetation or landscaping.
Acceptance of the proposed use will not negatively affect the landscaping quantity or
quality overall.

- (6) signage

No signage is proposed in conjunction with the requested use.

- (7) lighting

The proposed tower will not be lighted.

C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer

The subject property is served by the Bigfork Water and Sewer District. The
requested use does not require water or sewer service.

- (2) water

The subject property is served by the Bigfork Water and Sewer District. The
requested use does not require water or sewer service.

- (3) storm water drainage

The subject property has an engineered storm water management system that
contains storm water in approved below grade storm water infiltrators. Approval of
the proposed tower will not affect storm water management.

- (4) fire protection

The subject property is within 500' of the Bigfork Volunteer Fire Department. The
tower is located adjacent to the proposed parking lot allowing direct access to Fire
Dept. apparatus if ever required.

- (5) police protection

The subject property as well as Bigfork is served by the Flathead County Sheriff's
Dept. Additional police protection is not required due to acceptance of the requested



- (6) streets

The subject property is on Holt Stage Dr. as well as Harbor Drive. Both roads connect the subject property directly to Montana Highway 35. Acceptance of the proposed use will not negatively affect circulation or access.

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation

The subject property is being developed with separate vehicular accesses for service and public access. Acceptance of the requested use will not generate any additional traffic.

- (2) noise or vibration

Vibration is destructive to the proposed use thus no vibration will exist. Noise generated by the proposed use is below the threshold of background for the neighborhood due to traffic and the proximity to Montana Highway 35. It is measured (38dB) to be equivalent to a quiet room or library.

- (3) dust, glare or heat

The proposed equipment generates no dust or heat. The tower itself is a dull grey galvanized finish and the generator itself is finished in a non-reflective paint.

- (4) smoke, fumes, gas, or odors

The proposed use generates no smoke, fumes, gas or odor.

- (5) inappropriate hours of operation

The proposed use will operate whenever wind is present. Because of the absence of discernible sound or lighting the operation of the unit will go unnoticed without the presence of daylight.

3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts



- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses



Consultation with Planner:

Date _____ Planner's Signature _____


INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A Certified Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
 - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Owner(s) Signature (all owners must sign)

Date


Applicant Signature (if different than above)


Date

- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
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Sandy Leonard-Clare
Owner(s) Signature (all owners must sign)

5/19/13
Date

Applicant Signature (if different than above)

Date